

Remarks

Claims 20 to 48 have been cancelled and new claims 49 to 71 added. New claims 49 to 71 are based on and consistent with the claims of applicant's corresponding allowed European patent number 1089517. No fee is due, since there are fewer total claims and the same number of independent claims.

Claims Objections

The matters identified under the heading "Claims Objections" appear to be moot in view of the cancellation of claims 20 to 48.

35 U.S.C. § 112.

The matters identified in connection with 35 U.S.C. § 112 appear to be moot in view of the cancellation of claims 20 to 48.

35 U.S.C. § 102.

Applicant respectfully disagrees with the Examiner's characterization of what is purported to be disclosed in reference Chuah et al (US6735190).

As will be apparent from new claim 51, the information identifying a plurality of path elements or tunnels which is advertised in the network comprises labels in a label switched communications network (for exemplary embodiments). The Examiner seems to confuse the reference to labels as employed in Chuah with the feature of the claimed invention of "communication setup request messages". One of ordinary skill in the art knows that these are not at all the same thing. Consequently, the Examiner cannot sustain his current characterization of Chuah and how it relates to the features of the claimed invention without resolving this confusion.

In any event, the former claims are cancelled and replaced by new claims that correspond to those of Applicants' corresponding allowed European patent and which further and more clearly distinguish the claimed invention over Chuah.

There is absolutely no disclosure or suggestion in Chuah of using forked competing communication setup request messages to temporarily reserve bandwidth on alternate paths between source and destination endpoints and then using a communication setup response message travelling on a selected one of said competing alternate paths to make said temporarily reserved bandwidth on the selected path permanent bandwidth reservations.

Chuah addresses a completely different issue from that of the present invention.

The present invention makes a useful contribution to the art in that the use of the "wildcard" feature (forked communication setup request messages) enables an originating endpoint having an incomplete view of a part of the network to find out how many paths exist over an undefined part of a partially explicit path defined in a communications session setup request (see page 29, lines 32 to 36) and for a selection to then be made of one of said paths. The use of a partially explicit path and non-competing forked communications sessions setup requests also allows eligible paths to be ranked for selection. The invention as claimed solves the problems and provides the advantages as discussed in the opening part of the specification which advantages are not repeated here for reasons of brevity.

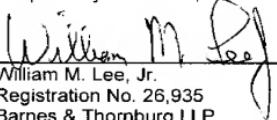
In contrast, Chuah addresses the problem in label switched communications networks where the addition of a label to a packet increases the overhead associated with that packet. Chuah provides a solution whereby all or part of the header of a packet that has a label attached to it can be discarded thereby reducing overhead associated with said packet. This process is applied on a per flow basis for flows of packets having a common path segment identified by a particular added label and thus is a process performed when transmitting traffic flows rather than attempting to setup a path for a traffic flow.

There is nothing in the disclosure of Chuah that would one of ordinary skill in the art to the invention as now claimed.

Accordingly, applicants believe that the claims as amended place the application in condition for allowance, and solicit such action.

December 19, 2007

Respectfully submitted,



William M. Lee, Jr.
Registration No. 26,935
Barnes & Thornburg LLP
P.O. Box 2786
Chicago, Illinois 60690-2786
(312) 214-4800
(312) 759-5646 (fax)

CHDS01 WLEE 439679v1